

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 2510.

(Given pursuant to section 4 of the Food and Drugs Act.)

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**U. S. v. 200 Cases Crushed Oranges. Decree of condemnation by consent. Goods released on bond.**

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#### ADULTERATION AND MISBRANDING OF CRUSHED ORANGES.

On or about November 21, 1912, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases each containing 4 dozen cans of crushed oranges remaining unsold in the original unbroken packages and in possession of Wolpert & Davis, Minneapolis, Minn., alleging that the product had been shipped on September 3, 1912, by A. L. Weisenburger, Chicago, Ill., and transported in interstate commerce from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 Doz. Crushed Oranges—The Orange Canning Co., Los Angeles, Cal.—Orange Products—Trade Mark (Orange held between heads of two buffaloes)." (On cans) On paper wrapper around can—"Crushed Oranges—Two Gene's Brand—(Design, bunch of three oranges)—The Orange Canning Co.—Los Angeles and Pomona, California—Special Notice. Crushed Oranges may be put up by anyone but we alone can 'Crushed Oranges' that are not bitter. For additional protection to the consumer, the top of each can of our crushed oranges bears our 'trade mark,' which is an orange held between two buffalo heads, known as 'Two Gene's Brand.'—Crushed oranges are crushed from select California tree-ripened oranges. By our process of canning the oil cuticles of the peel are unaltered, and, together with the pulp and juice of the best oranges, is the most palatable fruit on the market. We add no preservatives, no sugars, of any kind, but sugar or water may be added desirable to the taste. These oranges are more conveniently eaten and are better than

oranges in whole form, costing only one-half as much. Directions \* \* \*. Guaranteed under the Food and Drugs Act of June 30, 1906." (On small seal over ends of wrapper)—"The Orange Canning Co., Los Angeles, Cal.—Orange Products—(Design, orange held between two buffalo heads)."

Adulteration of the product was alleged in the libel for the reason that a valuable constituent thereof, to wit, the native juice of the orange, had been abstracted. Misbranding was alleged for the reason that the product was labeled "Crushed oranges are crushed from select California tree ripened oranges—(with pictorial design of whole ripened orange)," when, in truth and in fact, it was composed of orange residue from which the native juice of the orange had been abstracted, being so labeled and branded as to deceive and mislead the purchaser, and it was further misbranded in that the label bore a statement, design, and device regarding the ingredients and substances contained therein, to wit, "By our process of canning the oil cuticles of the peel are unaltered, and together with the pulp and juice of the best oranges, is the most palatable fruit on the market," which said statement, design, and device was false and misleading, in that it purported to represent that the product contained the entire orange, whereas, in truth and in fact, it contained only the orange residue after the native juice had been abstracted.

On March 3, 1913, the said Wolpert & Davis, claimant, having consented thereto, a decree of condemnation and forfeiture was entered and it was ordered that the product should be returned to said claimant upon payment of all costs, amounting to \$16.75, and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 13, 1913.*